UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

JIMMY GRIMES,)
Plaintiff,)
v.) Civil Action No. 07-0829 (ESH)
U.S. PAROLE COMMISSION et al.,)
Defendants.)) _)

MEMORANDUM AND ORDER

In this action brought *pro se* under 42 U.S.C. § 1983, plaintiff alleges that he is being detained at the District of Columbia's Central Detention Facility on a defective parole violator warrant that was lodged on February 7, 2001, but not executed until February 16, 2007. Plaintiff also accuses the United States Parole Commission of depriving him of a timely probable cause hearing following his arrest in February 2007. Plaintiff seeks monetary damages and his immediate release from custody and parole supervision.

Because plaintiff's success would necessarily invalidate his detention, he cannot obtain relief under § 1983 without first invalidating the warrant through, *inter alia*, a writ of *habeas corpus*. *See Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994). Therefore, pursuant to the screening provisions of 28 U.S.C. § 1915A, the Court hereby dismisses the § 1983 claim without prejudice and construes the claim for injunctive relief as a petition for a writ of *habeas corpus* pursuant to 28 U.S.C. § 2241. Accordingly, it is

ORDERED that within twenty (20) days of service of a copy of this Order and the

petition (as construed), respondents, by counsel, shall file with this Court and serve on the

petitioner a statement showing why the Writ of Habeas Corpus should not issue; and it is

FURTHER ORDERED that the Clerk of the Court is directed to furnish a copy of the

petition and a certified copy of this Order to the United States Marshals Service for the purpose

of making service of same on the named respondents, petitioner's custodian, the United States

Attorney for the District of Columbia and the Attorney General for the District of Columbia.

ELLEN SEGAL HUVELLE

United States District Judge

DATE: May 16, 2007

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